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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,360	07/27/2001	David A. Kraft	A148 1603	9869

7590 12/17/2003
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
P.O. Box 7037
Atlanta, GA 30357-0037

EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/917,360

Applicant(s)

KRAFT ET AL.

Examiner

Jane J Rhee

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 26 November 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 27,28,30-33 and 36-46.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: see attachment

Advisory Action

Response to Arguments

Applicant's arguments filed 11/26/03 have been fully considered but they are not persuasive.

In response to applicant's argument that each of the Winter embodiments of the portion of the core to which the adhesive is applied is perpendicular to the major surfaces instead of being not perpendicular to the major surfaces as claimed in claim 28, Winter discloses that the adhesive is applied to the entire edge 42 and 44 in figure 6 wherein the edges are both perpendicular where the core is and not perpendicular where the scarf joint is to the major surfaces in col. 7 lines 33-34, therefore, Winter does disclose that the gluing surfaces are not perpendicular to the first major surface for the purpose of providing larger bonding area to easily align and secure the panel joints together (col. 7 lines 35-39).

In response to applicant's argument that the gluing surfaces in a plane generally parallel to the axis of the roll is not taught by the combination of MacLaine et al. in view of Winter, first of all, the support for claim limitation "the gluing surfaces to be in a plane generally parallel to the axis of the roll" was not found in the specification nor the drawings which leads the examiner to believe that it raises new issue, secondly, the examiner reads the phrase "parallel to the axis of the roll" meaning that the gluing surfaces are parallel to the major surfaces therefore parallel to the axis of the roll, and with that in mind, Winter does disclose that the gluing surfaces are parallel to the major

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surfaces since the adhesive is applied to the entire edge of 42 and 44 in figure 6 including the scarf joint portion that shows the adhesive parallel to the major surfaces.

In response to applicant's argument that the top coat of Pacione is not seamless because carpet 15 has a seam when the next carpet 15 is laid adjacent the carpet 15 shown in figure 4, the top coat is seamless because claim 27 merely claims that the top coat layer covers substantially the entire surface covering component, including the two elements, and the seam formed by the adjacent gluing surfaces and adhesive, Pacione discloses a seamless top coat layer 15 in figure 4 which substantially covers the entire surface covering component, including the two elements 9, and the seam formed by the adjacent gluing surfaces and adhesive 13. The single top coat layer 15 in figure 4 may not cover the entire surface covering component completely but substantially covers the entire surface covering component since both elements 9 are substantially covered including the seam and adhesive 13.

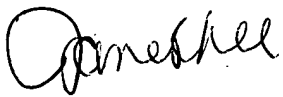
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

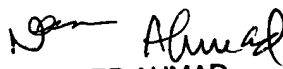
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Jane Rhee
December 12, 2003


NASSER AHMAD
PRIMARY EXAMINER